IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 3366 OF 2007

Manjur Sirajuddin Khan. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

Ganesh Gole for the applicant.

S.S.Pednekar, A.P.P. for the State.

CORAM: V.C.DAGA, J.

DATED: 1st November 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. The applicant is seeking bail in connection with C.R.No.I-106/2007 registered with Shantinagar Police Station, Bhiwandi for the offences punishable under sections 326, 506 read with section 34 of Indian Penal Code (I.P.C.).

3. Learned counsel for the applicant submits that looking to the role assigned to the present applicant in the F.I.R. and looking to the nature of injuries it cannot be said that the offence alleged is offence punishable under section 326 of I.P.C. He, thus,

submits that applicant would be entitled to bail.

4. Learned A.P.P., appearing for the State, submits that looking to the allegations made in the F.I.R. and the injuries caused due to chopper on the chest and head of the victim, it is not a fit case for grant of bail, especially, looking to the provision of section 326 of I.P.C.

5. Having heard rival parties, considering the act of the applicant- accused and the injuries caused, and the possibility of tampering with the prosecution evidence, I am not inclined to grant bail to the applicant.

6. It is needless to mention that observations made in this order are prima facie and shall not be construed as finding or expression on merits of the case at the time of trial.

7. In the result, application for bail is rejected. However, in the circumstances of the case, trial be treated as expedited one.

JUDGE